

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

DENISE M. JEROME,)	
)	CIVIL NO. 2009/092
Plaintiff,)	
)	ACTION FOR PERSONAL
v.)	INJURY AND DAMAGES
)	
WATERSPORTS ADVENTURE RENTALS AND)	JURY TRIAL DEMANDED
EQUIPMENT, INC., d/b/a ISLAND FLIGHT)	
ADVENTURES,)	
)	
Defendant.)	

FIRST AMENDED COMPLAINT

COMES NOW plaintiff, Denise M. Jerome, by and through undersigned counsel, and for her First Amended Complaint against defendant, Watersports Adventure Rentals and Equipment, Inc., d/b/a Island Flight Adventures, states and alleges as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1332, as the matter in controversy exceeds the value of \$75,000.00 exclusive of interest and costs and is between citizens of different States.

2. Venue is appropriate in this division of the District Court as the accident and events at issue occurred in or about the waters off St. Croix, U.S. Virgin Islands, and defendant's principal place of business is on St. Croix.

II. THE PARTIES

3. Plaintiff is an adult citizen and resident of the State of California.

4. Defendant, Watersports Adventure Rentals and Equipment, Inc., d/b/a Island Flight Adventures (hereinafter "Island Flight"), is upon information and belief a Virgin Islands Corporation existing under the laws of the U.S. Virgin Islands with its principal place of business in St. Croix, U.S. Virgin Islands and, as such, for the purpose of the diversity of citizenship is a citizen of the U.S. Virgin Islands.

III. STATEMENT OF FACTS AND CLAIM FOR RELIEF

5. On or about March 12, 2009, plaintiff was a customer and patron of defendant Island Flight for a jet ski tour in or about the waters off Christiansted, St. Croix, U.S. Virgin Islands.

6. During the course of the contracted jet ski tour, plaintiff was in the water next to her jet ski, when a jet ski operated by one of defendant's employees, agents, or representatives, acting in the normal course of his duties, collided with plaintiff, striking her in the head and neck.

7. At the time of said accident, defendant's employee failed to exercise ordinary care in the operation of that jet ski, and operated that jet ski negligently and/or gross negligently.

8. The operation of the jet ski, while plaintiff and other tour guests were in the water near by and in close proximity, was also reckless and in reckless disregard of the safety and welfare of plaintiff and of other tour guests.

9. As a direct and proximate result of the foregoing negligence, gross negligence, and reckless conduct by defendant, plaintiff suffered severe and permanent personal injuries, including but not limited to: deep lacerations to her head, a labyrinthine concussion, eustachian tube damage, together with abrasions and contusions, and multiple other injuries.

10. As a direct and proximate result of the defendant's negligence, gross negligence, and recklessness, as aforesaid, plaintiff has suffered damages and losses, and continues to experience significant pain and suffering, and has severe and permanent injuries, disabilities, and disfigurement and scarring, and has incurred substantial expenses for medical care and treatment.

11. In addition, plaintiff has suffered and continues to suffer significant economic losses and damages, as she has been unable to work since the accident, and her career as a professional dancer and member of the Screen Actors Guild has been cut short and destroyed by the injuries sustained as a result of defendant's negligence, gross negligence, and recklessness, as aforesaid. Plaintiff has also suffered a loss of enjoyment of life, as well as significant emotional distress, and pain and suffering, all of which defendant is liable for.

12. As a result of defendant's reckless disregard for the safety of plaintiff and others, plaintiff is also entitled to an award of punitive damages.

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WHEREFORE, plaintiff respectfully demands judgment for all compensatory and consequential damages against defendant in the amounts sufficient to compensate her for all of her injuries, losses, and damages, including for scaring and disfigurement, lost income and benefits, and for loss of enjoyment of life, in an amount exceeding the jurisdictional minimum, and for an award of punitive damages, and her reasonable costs and attorney's fees incurred in bringing this action.

IV. JURY DEMAND

Plaintiff hereby demands a trial by jury on all facts and issues triable by a jury.

DATED: January 12, 2010

Respectfully submitted,
A. J. WEISS & ASSOCIATES

By: 

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